

REMARKS

Claims 1-9 as amended in Applicant's paper of April 10, 2006 are pending. The amended claims 2-9 were amended to depend on amended generic claim 1. The amendment is for better protection of the invention and not for reason of any prior art.

The specification at page 5, after line 36 is amended to recite about 1,200 gram bloom.

With respect to the Official rejection under 35 USC 112 of claims 1-6, these claims do not recite polyurethane or silicone elastomers. Therefore, the rejection should be withdrawn.

Claims 1-9 are rejected for obviousness-type double patenting over claims 1-6 of Applicant's US patent No. 6627275.

As to double patenting of the obvious type with respect to 6627275, Applicant is of the same conclusion as expressed by the Office in Applicant's case USSN 10/420488 that there is no double patenting of the obvious type in that case, which is applicable here. The as claimed hydrogenated block copolymers of the '275 patent are not identical because claims 1-6 of '275 all require "crystal gels", whereas the hydrogenated block copolymers of the instant claimed invention do not, as for example, block copolymers having controlled distribution are not crystals.

The reason the block copolymer with and without substantially crystalline polyethylene midblock segments are not the same, is that the starting butadiene structure can be controlled.

Because the instant claims 1-9 define distinct and divergent nonobvious subject matter over the patented claims of '275, the rejection of double patenting of the obvious type should be withdrawn. Applicant would submit a terminal disclaimer should the above analysis be shown incorrect.

Examiner had directed Applicant's attention to one or more transcription error in the Related Application data of a related case. After careful review of the instant specification, the identical type of errors regarding incorrect series number 08/ instead of 09/ needs correction. An amendment to correct such errors will be submitted under separate cover following this paper.

As the time for reply fall on a Sunday, this paper is being submitted within the required one month period.

Should Examiner have any questions regarding this response, Applicant can be reached at (650) 827-1388.

Respectfully submitted,


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